

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3529 of 2018

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Rahul Kumar Singh son of Sri Murli Kumar Singh, Resident of Village-
Dumeria, P.O.- Garkha, P.S. Bhedi, District- Saran, Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
2. The Commissioner, Saran Division, Saran at Chapra.
3. The District Magistrate, Saran, Chapra.
4. The Sub- Divisional Officer, Marhaura, District- Saran.
5. The District Supply Officer, Chapra.
6. The Block Supply Officer, Amnour Block, Saran, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr. S.Raza Ahmad -AAG 5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 27-06-2025

1. The writ petition is filed for the following reliefs:

“For issuance of writ of certiorari for quashing the proceeding dated 18.10.2017 of District level Selection Committee for the selection of candidates on compassionate ground for under Public Distribution System whereby and where under the candidature of the petitioner was rejected on the frivolous ground that the petitioner has applied after 2 years of the death of PDS licensee



holder.

ii. For direction to appoint and issue P.D.S. licence on compassionate ground as petitioner fulfills all the requisite qualification.

lii. For the other reliefs for which petitioner is found entitled in the facts and circumstances of the case.

2. At this juncture, the Learned counsel for the respondents contended that Section 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 provides for the provision of appeal. Section 32(iii) read as follows:

“32 (iii). Any person aggrieved by an order of the licensing authority denying the issue or renewal of the license to the fair price shop owner or cancellation of the license may appeal to the District Officer within thirty days of the date of receipt of the order and the District Magistrate shall, as far as practicable, dispose the appeal within a period of sixty days.”

3. Admittedly, from the reliefs prayed for in the writ petition, it is evident that the petitioner



has an alternative remedy of appeal available under Section 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

4. The Learned counsel for the petitioner contended that he intends to file an appeal before the concerned authority, but the limitation period for filing the appeal has lapsed. He prayed for a direction to the concerned authority to entertain the appeal in accordance with Section 5 of the Limitation Act.

5. Taking into consideration that the petitioner has an alternative remedy for filing an appeal, the writ petition is disposed of with a direction to the petitioner to file an appeal within four weeks from the date of receipt of this order before the concerned authority. The delay in filing the appeal shall be condoned by the concerned authority, and the authority shall dispose of the appeal within three months from the date of filing of the appeal.

6. With the above said observation, the Writ petition is disposed of.



7. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.06.2025
Transmission Date	

